

cases may never be known. Secretary Lansing is averse to making public, even in case of a satisfactory outcome of the present negotiations. It is admitted in high official circles that the failure to disclose the facts places the two attaches in an unfavorable light, in view of the attacks made on them by the press. But the government disclaims responsibility for this publicity.

**Seek to Learn Sources.**  
The disclosure of the sources of the department's information would, it is held, seriously prejudice the interests of this country, as it would hamper the work of obtaining information concerning the activities of other Teutonic agents now under suspicion. It is to discover these sources, department officials believe, that Germany has made her unusual request.

Ambassador Gerard's message last night came as a surprise to the State Department. As he is not concerned in the negotiations, it is assumed that he merely transmitted the views of the German Foreign Office as they were made known to him.

#### HOOKEING ANSWER TO-DAY

Britain Will Reply to U. S. Protest Over Commanding of Vessel.

Washington, Dec. 6.—The State Department was advised to-day by Ambassador Page that the British government would make a reply to-morrow to the American protest against the commandeering of the American Transatlantic Company's vessel *Hocking* and the *Germania*. The British government had ascertained that the British government intended to requisition the vessel, and had filed a protest in accordance with instructions from the State Department several days ago.

The State Department is willing to have the British prize courts pass on the bona fides of the alleged American ownership of the vessel, but believes Great Britain has no right to make use of them for her own purposes until they have been legally condemned.

#### SAYS LAMAR RAN MUNITION STRIKES

Continued from page 1

Breitung, Dr. Herbert Klenze, Robert Fay, Walter Schuler, Engelbert Bronkhorst and Paul Daecher were presented to the grand jury last week, and yesterday five supplementary indictments were filed against each of them in the Federal Court before Judge Julius M. Mayer.

#### Murder Attempt Charged.

The men had been held previously on two indictments in \$25,000 bail. Breitung and Klenze being the only alleged conspirators who are at liberty on that bail.

With the seven indictments now found against the alleged conspirators, the government feels that every avenue of escape on technical grounds has been cut off.

The two previous indictments charged the alleged conspirators with conspiring to blow up ships of the Allies on their way from American ports to Europe and cover damage done to ships and their crews while within the three-mile limit of the territorial waters of the United States.

In the five new indictments the men are charged with wilfully, unlawfully, knowingly and feloniously conspiring to commit murder; to assault others with dangerous weapons; to destroy foreign owned and American vessels and their cargoes; to attempt to injure same, and to defraud underwriters.

In the overt acts set forth in the indictments it is charged that Max Breitung asked one Paul Seibe to obtain a quantity of potassium chlorate from the Powers, Weightman, Rosegarten Company.

Each indictment, if proved, carries with it a maximum penalty of \$10,000, two years in prison, or both. The charge of conspiracy to defraud underwriters of the vessels carries a penalty of ten years' imprisonment.

#### MEXICO WON'T RECEIVE BOY-ED AND VON PAPPEN

At the New York headquarters of Provisional President Carranza, at 120 Broadway, it was announced yesterday that cable advices had been received there from Mexico City that the Mexican government would give no asylum to Captain Boy-Ed and Captain von Pappen, attaches of the German Embassy, whose recall had been asked for by the State Department on Friday.

#### U. S. TO BLAME FOR DELAY OVER LUSITANIA CASE

Postponement Has Made Settlement in Near Future Impossible.

Washington, Dec. 6.—Blame for the long delay over the Lusitania case, it was learned to-day, lies with the State Department, instead of with Germany, as had been supposed. The State Department postponed a possible settlement for weeks at a time when conditions were most favorable for this country's interests—immediately after the "diplomatic victory" in the Arabic case—and despite the fact that Germany had resumed the discussion broken off when the Arabic was sunk. The impossibility of any further progress would be the result of the delay.

The State Department received from the German government on October 2, as nearly as can be ascertained, a memorandum setting forth the terms on which Berlin was willing to conclude the negotiations concerning submarine warfare on merchant shipping. For one reason, as yet unexplained, the communication was held without response until November 17, when Ambassador von Bernstorff called to confer with Secretary Lansing.

During that time responsible officials of the department repeatedly authorized the statement that it was "German move" in the Lusitania controversy, and caused the impression to be circulated that either Ambassador von Bernstorff or his government was delaying the negotiations.

No statements concerning the Lusitania have been officially authorized since November 17, but the status of the case, as revealed to-day, finds the State Department completely at odds with Germany. The department technically receded from its position, as expressed in the note of July 21, demanding a disavowal of the attack, but insists that Germany acknowledge the illegality of the act and submit to demand for indemnity without arbitration.

Germany is not ready to do either of these things. In German circles it is said that but for the Boy-Ed-von Pappen affair the Lusitania matter might readily be concluded, but at the State Department this is regarded as an exaggeration.

The announcement which terminated the Arabic controversy, that German submarines had been instructed to make no more attacks on passenger vessels, should, Germany believes, be regarded as a practical disavowal of the Lusitania attack. A literal disavowal is declared to be impossible, as the German government has acknowledged its responsibility for the act of the submarine.

#### BEDROOM A BOMB FACTORY; WOMAN AND 2 MEN HELD

A. F. Mente, a Hungarian, Is Accused in Plot to Blow Up Allies' Vessel.

#### EXPLOSIVES, FORMULA AND CLOCKS SEIZED

Experimented for Amusement. He Explained—Denied Knowing Scholz or Fay.

Two men and a woman, suspected of making bombs to cripple merchantmen of the Allies, were captured yesterday by Sergeant Barnes of the New York police and a squad of Secret Service detectives in an apartment at 508 East Seventy-eighth Street. A large quantity of chemicals and material used in the manufacture of bombs was also confiscated.

One of the men, Anton F. Mente, a Hungarian mechanic, was arrested shortly afterward charged with being implicated in placing liquid bombs on the steamer *Kirkcaldy*.

Later last night one of the others held was also arrested. Chief Flynn refused to say whether this was the other man or the woman, who they say are Mr. and Mrs. Eugene Kluger.

From June to August of last year Mente, in whose room, which was fitted out like a laboratory, the bomb ingredients were found, lived at Union Hill, where Fay and Scholz were arrested. Since Saturday night Secret Service men have been watching him every minute. During this time he has visited many steamship docks in Manhattan and Hoboken. With detectives still dogging him, the man returned to the flat on Seventy-eighth Street early yesterday morning.

#### Bedroom a Laboratory.

Later, when a cordon had been thrown about the house, Bernitz and his men entered the Kluger apartment. The man and his wife were seated at breakfast. Bernitz tried several doors which were open, and finally stopped before one that was locked.

"That is a bedroom which Mr. Mente hires from me," Kluger explained, as he unlocked the door. The chamber was fitted up as a laboratory and crammed with bottles, retorts and a large collection of other paraphernalia. Mente lay on a couch when the men entered. He looked up calmly, and in answer to a question said that he was "experimenting with chemicals."

On further interrogation he said that he had come from Austria-Hungary in 1907, that his home was at 150 Court Street, Newark, and that he had a brother in the Austrian army who had lost one of his legs in battle. He denied knowing anything of Fay, Scholz or any of the others implicated in the Hill plot.

Among the articles confiscated by the police in Mente's room were a glass retort, which had been used for the manufacture of chlorine; two bottles of hydrochloric acid; half-gallon carboys of sulphuric, nitric and muriatic acids; a large quantity of picric acid, chlorate of potash, sulphur, fifty feet of insulated wire, a number of alarm clocks, mechanisms and some electrical apparatus.

#### Dynamite Recipe in Diary.

Numerous textbooks on chemistry and several technical works were also discovered. In a mass of papers found in the room were copies of "The Fatherland," a volume entitled "What American Neutrality Should Mean—A Protest," and another, "The German in America." A black notebook, evidently kept by Mente, was also unearthed. This was filled with notes and formulae and included a sort of code. Directions for making dynamite and other explosives were contained in it.

The "code" was as follows: "A. B. C. Big Job; A. B. C.—As quick as You; A. B. C.—Job Wait." Below this last was written: "The German in America." The police say that Mente has been employed in the Crockwell-Wheeler Company's works at Amper, N. J. While there, an informant of the Secret Service overheard him tell a fellow workman that since the factory was making shells for the Allies it would be blown up, and if this was not done he would set it on fire himself. Another paper found in the laboratory was a postal from Hazelton Furnace at Youngstown, Ohio, another munition factory. This was written in Hungarian.

Mente told the police that he was born in Austria of German parents and had worked as an electrician. He, with Kluger, who is a typesetter on a Hungarian newspaper, and another Kluger, was taken to police headquarters in an auto patrol. All of the material found in his room was also carted away.

At headquarters Mente was charged with violation of the espionage laws by having explosives in his possession, and on another count holding that there was reasonable cause to believe that he was implicated in placing liquid bombs on the steamer *Kirkcaldy*, May 2, 1915. A liquid bomb was found in the hold of the *Kirkcaldy*, then chartered to the French Line, when she arrived in Marseilles on June 8.

Two Secret Service men accompanied by a detective of the Newark Police Department, searched the fourth floor flat at 150 Court Street, Newark, where Mente says he lives, yesterday afternoon.

No bombs or bomb materials were discovered in the flat. Papers and books belonging to Mente were taken away by the Secret Service men. Kowach was also induced to go along with them for examination. He was not arrested while in Newark.

#### QUAKER PRAYS FOR WILSON

Visitor from Ohio Asks Heaven to Show Him Error of Defence.

Washington, Dec. 6.—A prayer against preparedness was offered in President Wilson's presence to-day by James Henderson, a Quaker, from Barnesville, Ohio. The President granted him an audience with the full expectation of hearing a plea for disarmament, but was taken off his guard when Mr. Henderson began to address his remarks to Heaven.

Mr. Wilson shifted nervously from one foot to the other until the appeal was over, when he quickly shook hands with the visitor and bowed him out. In his prayer Mr. Henderson asked that the President be reminded that a higher Power had the country's safety in keeping.

William G. Steer, another Quaker, was present, with Representative Hollingsworth, of Ohio. President Taft heard a similar petition from the two Quakers several years ago.

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#### MILITARY CAMP FOR POLICEMEN

Commissioner Seeks a Large Tract of Land on Staten Island.

Police Commissioner Arthur Woods is seeking a large tract of land on Staten Island on which he plans to establish a military camp for members of the department along the lines of the Plattsburg camp.

Impressed by his stay at the upstate military camp last summer and the enthusiasm of the policemen who attended, the Commissioner decided that a course of training for all the members of the department would eliminate the necessity of calling on the militia or the establishing of martial law should New York be visited by a catastrophe.

During the days following the San Francisco earthquake and the Baltimore fire, the police departments of those cities, unable to cope with the situation, were compelled to call on the state and nation for assistance. It is to avoid such a condition here that Woods plans to give the New York police the benefit of a training through which the regular army is put.

Yesterday the Commissioner announced a plan to further introduce army methods in the department. He granted a leave of absence to Captain Edward P. Hughes, of the Sheephead Bay station, to permit that official to attend the United States Cavalry School at Fort Meyer.

The Commissioner intends to use the same method of handling horses in the training of police horses. "Eddie" Hughes has the reputation of being a good horseman, and to take advantage of his knowledge the Commissioner recently transferred him to the Sheephead Bay station, where in the future the department horses will be trained under his direction.

#### New Rule on Surgeons.

Acting on the recommendation contained in a recent report made by the Commissioner of Accounts, Wallstein, the police department is instituting a new system. Commissioner Woods yesterday issued an order prohibiting department surgeons from offering their services to immediate relatives of policemen, directly or indirectly. The order also prohibits surgeons from accepting fees or presents for treating policemen or relatives.

Wallstein in his report stated that he found that the practice of police surgeons in acting as physicians to policemen's families had a tendency to cause the surgeon to become friendly with the members of the force. This, he thought, would make the surgeons reluctant to certify disability of that policeman.

#### MME. SEMBRICH IS MUCH BETTER

Physician Denies Singer Is Ill with Pleuro-Pneumonia.

Something like constipation was created among the friends and admirers of Mme. Sembrich by the exaggerated reports of her illness printed in the newspapers yesterday.

The fact of her sickness of several weeks' duration had been made known in connection with her enforced withdrawal from the work of the Polish Relief Fund Committee, to which she has devoted nearly all her time and energy since she called it into existence, nearly a year ago, and no secret was made of the seriousness of her condition. Last summer she was attacked by pleuro-pneumonia, bronchitis supervened, and when Dr. Wiener, her physician, called in Drs. Evans and Lambert in consultation, a week or ten days ago, any case was diagnosed as bronchitis, with signs of pleuritic adhesions.

A peculiarly painful relapse on Sunday led to the spread of a report that she was suffering from pleuro-pneumonia, but the accuracy of the report was denied by Dr. Wiener as late as 10:30 o'clock last night, when he said, she had had a more comfortable day than on Sunday.

#### MCALL OUSTED BY GOVERNOR

Continued from page 1

here to-night is that Travis H. Whitney, secretary of the committee, or Oliver C. Semple, assistant counsel, will get the place.

Only Stock Charge Considered.

In making his decision the Governor took into consideration only one of the twenty charges made by the Thompson committee, that which asserted that McCall still owned the 357 shares of the Kings County Electric Light and Power Company while chairman of the Public Service Commission, although he alleged that he had transferred them to his wife.

The Governor reviews McCall's defence in detail to the charge, and continues:

"There is nothing before us which in any way evidences the transfer of the stock from the ownership of the Commissioner to that of his wife except the Commissioner's unsupported statement, and while I have no desire to question the truth of his statement that he intended to transfer the stock to his wife there is no competent evidence before me to show that such transfer was ever made. It would have been an easy matter for the Commissioner to have filled out the necessary forms and to comply with the clemency legal requirements. I do not believe that a transfer within the meaning of the law was ever made."

The Governor quoted from Section 272 of the tax law, which makes it a

#### WEEKS SPURNED AD, SAYS OSBORNE

Letters Offering to Testify and Explain Regime Still Unanswered.

WARDEN TO APPEAR BEFORE JURY FRIDAY

Prosecutor Blamed for Disputes—Kirchwey, Whitin and Wick-ersham Witnesses.

Frederick E. Weeks, District Attorney of Westchester County, is responsible for whatever misunderstanding there may be between him and Thomas Mott Osborne, warden of Sing Sing, according to a letter given out last night by the latter. Mr. Osborne gives a detailed account of the efforts he has made to get his case before the grand jury, most of which have been ignored, he says. He flatly denies a statement, attributed to him in the District Attorney's letter of December 3, that the grand jury would not hear Mr. Osborne's testimony or any evidence that he might present.

Mr. Osborne's letter, in part, is: "Your letter of December 3 is received. You begin by saying: 'It has been represented to me that you have made the statement that the grand jury now investigating conditions at Sing Sing prison would not hear your testimony or whatever evidence you had to present.'"

"Your letter then details what you have said to Mr. Merchant and to Mr. Little. Then you go on to state: 'Now, therefore, so that there can be no further misunderstanding in this respect, you are again informed that the grand jury will hear you as requested.'"

#### "Letters Left Unanswered."

"Allow me to say that I have never made such a statement. At no time have I expressed several times my surprise that you had not so conducted the examination as, at an early stage, to call me before the grand jury and arrange to have them hear me. I am sure that you could not but cause anxiety among those who have the cause of prison reform at heart."

"As you very well know, I gave you repeated invitations in October to come to Sing Sing and see conditions for yourself, and allow me to explain the new system in operation there. And you will also recall that I telegraphed you from Auburn on November 1, using these words: 'I wish you to understand now that I welcome any honest investigation of my management of Sing Sing prison by you or any grand jury. I never requested you or any other to ignore any information which would lead you to investigate anything regarding the management of the prison, either as to alleged misconduct of myself or the inmates. Go as far as you like in your investigation. You will have all necessary assistance from the warden's office. I ask that I have the opportunity to appear before the grand jury myself.' To that telegram I have never received any acknowledgment or reply."

"On November 8 I wrote you confirming the request made by Mr. Merchant and stating that your information from me would lead you to investigate anything regarding the management of the prison, either as to alleged misconduct of myself or the inmates. Go as far as you like in your investigation. You will have all necessary assistance from the warden's office. I ask that I have the opportunity to appear before the grand jury myself. To that telegram I have never received any acknowledgment or reply."

#### Osborne to Appear Friday.

"On November 13 I wrote you, enclosing a list of assaults and other cases of felony occurring before I became warden of Sing Sing, and asked you to place the letter and list before the grand jury. I have never received the receipt. To that letter I have never received any acknowledgment or reply."

"Until receipt of your letter of the 3d inst., the only communications in the regard which I have received from you were verbal, conveyed to me through Mr. Little and Mr. Merchant, and wholly indefinite as to time."

"Whatever misunderstanding there may be has resulted from a fault of mine."

"I am glad to learn that my request has been granted, and I shall attend the grand jury on Friday, December 10, to transfer the case to the grand jury, and to sign a waiver of immunity."

Mr. Osborne appended a list of names of witnesses whose testimony would be valuable to the grand jury, and promised to send more names. The list includes Professor George W. Kirchwey, former dean of Columbia University Law School; Dr. E. Stage Whitin, Miss Emily Seaman, George W. Wickesham, Charles F. Stittgen, warden of Auburn Prison; Richard M. Barrett, a member of the State Prison Commission; Clifford B. Harmon, Herbert Carpenter and Miss M. Z. Doty.

#### Anti-Rum Captain Elected.

Captain Dominick Henry was elected president of the Police Captains' Association last night. He has about finished the job of getting all the men of his own precinct, the West 135th Street, on the water wagon. Now the captains have given him a chance at them. They are looking forward to his inaugural address.

miademeanor to transfer stock without affixing the transfer tax stamps. The penalty is a fine of not more than \$1,000 or imprisonment of six months, or both, at the discretion of the court.

"If we assume that there was such a transfer, we have this situation—a former justice of the Supreme Court, when once an offense is charged, offers as a defense that he committed a crime, and that he transferred the stock to his wife and that he wrote a memorandum at that time setting forth his purpose of transfer, his failure to pay the tax required by law was a crime for which he could be imprisoned for six months."

#### Spirit of Law Violated.

"Of course, the fact that the statute of limitations protects him now from prosecution has no bearing upon the question involved. I am entirely willing to accept the statement that his carelessness, which covered a period of two years, is alone responsible for the compromising situation in which he is placed."

"I believe that the public interests require that the spirit as well as the letter of the law shall be faithfully carried out; that it was clearly the intention of the lawmakers that a Public Service Commissioner should have no interest in the stocks or bonds of a corporation over which the commission has jurisdiction for purposes of regulation, and even though there had been an actual transfer by the Commissioner of his wife of this stock, whereas it might be regarded as a technical compliance with the law, it would still have been in defiance of its spirit."

"I find that this charge is sustained, and I direct the removal of the Commissioner from office."

"Having sustained this charge, the other charges and specifications thereunder, for the purposes of the record and in conformity to the statute, are hereby dismissed."

#### YVONNE RETURNS TO MRS. GOURAUD

Girl Quits Prince Mishnikoff for His Wife, Long Her Foster Mother.

FRIEND DENIES PRINCE HAS A CHILD

Babe Referred to in Suit Taken In as Others by His Wife Without Adoption.

Yvonne Gouraud, the sixteen-year-old ward of Mrs. Aimee Crocker Gouraud Mishnikoff, who left her when the California heiress and her fourth husband, Prince Alexander Mishnikoff, separated, has returned to her foster mother. At the time of the separation of the wealthy woman and her young husband it was reported that Mishnikoff wished to marry the young woman. This change in the affairs of the three, which have been much discussed in those places where the lights shine brightest, became known yesterday, when it was announced by a close friend of Mrs. Gouraud, as she prefers to be known, that the girl had turned on the Russian, whose constant companion she was last summer, and is once more on friendly terms with the woman who for many years has supported her.

That she has had a child by Mishnikoff, as he alleges in his suit for its custody, is vehemently denied by Mrs. Gouraud. It is admitted by her intimates, however, that within the year a child has been added to her family roll, but that this child came, as did Yvonne and two other children Mrs. Gouraud has reared, by taking it from its natural guardians.

"The child was not even adopted," said one intimately familiar with Mrs. Gouraud's affairs. "None of the three others she has brought up was adopted. None of them has any legal claim upon her. In not adopting any of them Mrs. Gouraud has followed the advice of her counsel, for, while it is one thing to bring a child up, it is quite another to adopt it. You never can tell how a child is going to turn out, and while child and will care for those to whom she stands in the position of parent it is well understood that anything she may do for them, either personally or by will, is voluntary."

Principals in Case Silent.

According to this friend, the troubles of Mishnikoff and Mrs. Gouraud were due more to differences over money matters than anything else. Mrs. Gouraud has several millions; Mishnikoff is not wealthy. After they parted in the Hotel McAlpin last June the Russian went to live in furnished rooms on Riverside Drive, while Yvonne went to Baroness Beckendorff, better known to New York as Gertrude Barrett, the dancer. Then the Russian and Yvonne were almost inseparable companions and were well known in the better class tea rooms and cabarets.

Yvonne, however, did not intend to marry Mishnikoff, but that she was not going to return to Mrs. Gouraud, instead, she had planned to stay with Baroness Beckendorff indefinitely.

#### SCIENTISTS TO FIGHT SLIDES

Ten Go at Wilson's Request to Help Panama Engineers.

Washington, Dec. 6.—Ten scientists, appointed by the National Academy of Sciences at the request of the President, will sail for the Panama Canal Zone on December 11 to study the earth movements that have blocked the waterway.

They are C. R. Van Hise, University of Wisconsin, chairman; H. L. Abbot and J. C. Branner, Stanford University; Whitman Cross, Geological Survey; John F. Hayford, Northwestern University; Harry F. Reid, Johns Hopkins; C. D. Walcott, Smithsonian Institution; R. C. Carpenter, Cornell; A. P. Davis, Reclamation Service, and John R. Freeman, Providence.

#### PASSING FORD SHIP STIRS FRENCH MIRTH

Lafayette's Passengers at Rail Grin as Oscar Ploughs By.

It was cocktail time Sunday, and the French liner *Lafayette*, bound from Bordeaux for New York, was about 250 miles east of Ambrose Light. The passenger list represented the attitude of France toward the war. The most test-remark that could have been made would have been "Peace at any price."

Like a bomb that remark came. A young Red Cross surgeon returning from the French front had been in the wireless room sending a message to his family. The operator told him the *Oscar II* was passing about a mile away. He bounded down the stairs to the smoking room and shouted, "There goes the *Oscar*!"

A roar of laughter went up. Every one dashed to the windows. This was a little package of France—a miniature of French opinion on the peace proposition. If the good ship *Oscar II* had passed one mile nearer the *Lafayette* it could not have continued its course. The peace ship, knocking in every cylinder and all her steam gone, would have been towed back to New York by the French liner.

#### BRITAIN IGNORES FORD'S CRUSADE

"Of No Particular Importance," Commons' Statement.

London, Dec. 6.—So far as this country is concerned the Ford peace party does not exist. It will not be recognized even to the extent of an intimation that it is not wanted here.

Replying to a question in the House of Commons this evening, Lord Robert Cecil, Parliamentary Under Secretary for Foreign Affairs, said: "It would be in the highest degree undignified for the government of this country to send any intimation whatever to a lot of ladies and gentlemen who, whatever their merits may be, are of no particular importance."

Lord Robert Cecil's statement was brought out by Sir Edwin A. Cornall, Liberal member for the Northeast Division of Bethnal Green, who requested that an intimation be sent to Henry Ford and William J. Bryan that their proposed peace mission to this country would be "irritating and unwelcome."

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